

## **REMARKS**

This Amendment is submitted in reply to the Non-Final Office Action dated October 28, 2010. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

### **Summary of the Examiner's objections and rejections**

The specification stands objected to because it contains an embedded hyperlink and/or other form of browser-executable code.

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 112 (second paragraph) as allegedly being incomplete for omitting essential steps.

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ginter (US 5,917,912) and further in view of Inoue (US 2003/0005135).

### **Summary of claim amendments**

Applicant has amended independent claims 1, 10, 20 and 29. The support for the amendments to independent claims 1, 10, 20 and 29 can be found on page 4, lines 15-18 of the originally filed PCT patent application. No new subject matter has been added.

### **Remarks regarding the specification objections**

The specification stands objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant has amended the specification to remove the embedded hyperlink and/or other form of browser-executable code. Accordingly, Applicant respectfully requests the removal of this objection.

### **Remarks regarding the §112 (second paragraph) rejections**

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 112 (second paragraph) as allegedly being incomplete for omitting essential steps. The alleged omitted steps are: description of how the protected content is encrypted prior to

decryption, and description of handshaking process which provides for encryption key associated with recipient device. Applicant respectfully traverses the rejections. First, Applicant fails to see where the contented omitted step related to "how the protected content is encrypted prior to decryption" is essential matter or even needed since the claims currently recite the step of "obtaining the content at the user device from the protected content in accordance with the one or more first usage rights by decrypting the protected content by a first content encryption key in a first secure environment of the user device and by accessing the decrypted content in the first secure environment". Second, Applicant fails to see where the contented omitted step related to "description of handshaking process which provides for encryption key associated with recipient device" is essential matter or even needed since the claims currently recite the step of "communicating the encrypted content, the at least one defined usage right, the encrypted content encryption key, and the integrity protection information to the recipient device". Applicant may be agreeable to adding steps to the claims but the Examiner needs to clarify why any new steps are essential and exactly what new steps the Examiner proposes to add to the claims. In the meantime, Applicant respectfully requests the removal of this rejection.

#### **Remarks regarding the §103(a) rejections**

Applicant respectfully submits that the amended independent claim 1 is patentable in view of Ginter, Inoue or any combination thereof. The amended independent claim 1 recites the following:

1. A method for control of usage of content, wherein protected content exists being usage restricted by one or more first usage rights specifying one or more usage restrictions and/or one or more usage permissions of the protected content at a user device, the method comprising the steps of
  - obtaining the content at the user device from the protected content in accordance with the one or more first usage rights by decrypting the protected content by a first content encryption key in a first secure environment of the user device and by accessing the decrypted content in the first secure environment,
  - defining at least one usage right at the user device, the at least one defined usage right specifying one or more usage restrictions and/or one or more usage permissions of the content at a recipient device and the at least one defined usage right comprising a temporal restriction,
  - verifying that the at least one defined usage right is a subset of the one or more first usage rights,

- generating at the user device integrity protection information for the at least one defined usage right,
- encrypting the content with a content encryption key,
- encrypting the content encryption key with a key encryption key associated with the recipient device and/or an operator of the recipient device,
- communicating the encrypted content, the at least one defined usage right, the encrypted content encryption key, and the integrity protection information to the recipient device,
- restricting the one or more first usage rights in consequence of the definition and/or the communication of the at least one defined usage right to the recipient device,
- verifying at the recipient device the integrity of the at least one defined usage right based on the integrity protection information,
- decrypting at the recipient device the encrypted content encryption key with a decryption key corresponding to the key encryption key,
- decrypting the encrypted content with the content encryption key in a secure environment of the recipient device,
- applying the at least one defined usage right to the content in the secure environment,
- using the content at the recipient device according to the applied at least one usage right,
- restricting or blocking or deleting the at least one defined usage right at the recipient device before the expiry of the temporal restriction,
- generating by the recipient device at least one received usage right that is a subset of the at least one defined usage right,
- communicating an indication of the restricting or blocking or deleting from the recipient device to the user device, the indication comprising the at least one received usage right,
- applying the at least one received usage right at the user device after the receipt of the indication from the recipient device until the expiry of the temporal restriction, and
- abolishing the restriction of the one or more first usage rights when the temporal restriction expires, wherein the restricting, blocking or deleting step, the second generating step, the second communicating step, the second applying step, and the abolishing step are executed in sequence one after another (emphasis added to highlight the distinctive features of the claimed invention).

Applicant has amended independent claim 1 in view of the Examiner's statements regarding the interpretation of Ginter and the previously presented independent claim 1 (see pages 2-3 of the pending Non-Final Office Action). In particular, Applicant has amended independent claim 1 to: (1) specifically recite that the claimed restricting, blocking or deleting step, the claimed second generating step, the claimed second communicating step, the claimed second applying step, and the claimed abolishing step are executed in sequence one after another; and (2) clearly recite that there are three distinct time intervals namely: before the expiry of the

temporal restriction, until the expiry of the temporal restriction, and when the temporal restriction expires. In view of the amendments made to independent claim 1, Applicant respectfully submits that Ginter fails to disclose at least the following highlighted claimed steps:

- restricting or blocking or deleting the at least one defined usage right at the recipient device before the expiry of the temporal restriction,
- generating by the recipient device at least one received usage right that is a subset of the at least one defined usage right,
- communicating an indication of the restricting or blocking or deleting from the recipient device to the user device, the indication comprising the at least one received usage right,
- applying the at least one received usage right at the user device after the receipt of the indication from the recipient device until the expiry of the temporal restriction, and
- abolishing the restriction of the one or more first usage rights when the temporal restriction expires, wherein the restricting, blocking or deleting step, the second generating step, the second communicating step, the second applying step, and the abolishing step are executed in sequence one after another.

In particular, Applicant respectfully submits that Ginter and Inoue fail to disclose or suggest this combination of distinctive features within the amended independent claim 1. The presently claimed invention concerns a method for controlling usage of content. In short, a user device defines at least one usage right for using content at a recipient device. The at least one defined usage right comprises a temporal restriction. The usage right and the content are communicated to the recipient device. In consequence, the one or more (so-called) first usage rights specifying the usage of the content at the user device are restricted. On the other side, the recipient device can use the content according to the received usage right until the temporal restriction expires. The inventive method continues such that before the expiry of the temporal restriction, the at least one defined usage right is restricted, blocked or deleted at the recipient device which further generates at least one (so-called) received usage right that is a subset of the at least one defined usage right. The received usage right is then communicated together with an indication of the restricting or blocking or deleting to the user device which in turn applies the at least one received usage right (for using the content) until the expiry of the temporal restriction. When the temporal restriction

expires, the restriction of the one or more (so-called) first usage rights is abolished at the user device and the user device can use the content according to the then unrestricted first usage rights. Hence, the claimed invention addresses actions and communications performed at or between the recipient device and the user device before the expiry of the temporal restriction, up to until the expiry of the temporal restriction and after the expiry of the temporal restriction.

The claimed distinctive features of the inventive method further provide for a greater flexibility and in addition allow for an efficient use of the usage rights, the latter being explained in detail now: if a user device possesses the first usage rights to use the content at the user device, the usage at the user device would be not be possible according to a system according to Ginter after the communication of the content and the usage right to a recipient device would have happened. If a user device would like to access the content after this communication happened, it would need to request another usage right and content from the central rights distributor of Ginter, which is not very efficient. These distinctive claimed features hence provide an elegant solution for allowing the efficient use of a once granted first usage right at any point in time after the communication of the content and the defined usage right happened.

Inoue fails to correct Ginter's deficiencies. In particular, Inoue discloses the following:

A right management server 110 that manages usage of a content on a parent terminal 140 and a child terminal 150, comprising (i) content usage right database 113 that stores right information 400 indicating a usage rule of a content for each terminal ID 301 or user ID 203, (ii) a parental control information management unit 118 that acquires, from the parent terminal 140 or the parent user, parental control information 600 that is an instruction to put a restriction on usage of a content on the child terminal 150 or by a child user, and stores the parental control information 600 in a parental control information database 114, and (iii) a license ticket generation unit 117 that acquires a license ticket issuance request from the child terminal 150 or the child user, generates a license ticket that is information for permitting usage of the content on the child terminal 150 or by the child user, under a usage rule with a restriction indicated by the parental control information 600 which is held in the parental control information management unit 118, and sends the license ticket to the child terminal 150 or the child user.

(see abstract)

Applicant respectfully submits that for Inoue to be relevant to the presently claimed invention then the child terminal 150 (corresponding to the claimed recipient device) would have to: (a) restrict, block or delete at least one defined usage right received from the parent terminal 140 (corresponding to the claimed user device) before the expiry of the temporal restriction; (b) generate at least one received usage right that is a subset of the at least one defined usage right; and (c) communicate to the parent terminal 140 an indication of the restricting or blocking or deleting of the at least one defined usage right where the indication comprising the at least one received usage right. Then, the parent terminal 140 would have to: (a) apply the at least one received usage right after the receipt of the indication from the recipient device until the expiry of the temporal restriction; and (b) abolish the restriction of the one or more first usage rights when the temporal restriction expires. However, Inoue does not disclose or suggest where the parent terminal 140 and the child terminal 150 would perform these claimed steps (see also the Examiner's cited paragraphs [0100], [0113], [0124], and [0170]). In view of at least the foregoing, Applicant respectfully submits that amended independent claim 1 and corresponding dependent claims 5-9 are patentable in view of Ginter, Inoue or any combination thereof.

Applicant respectfully submits that the amended independent claims 10, 20 and 29 are also patentable in view of Ginter, Inoue or any combination thereof. The independent claims 10, 20 and 29 recite the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 1. As such, the aforementioned remarks regarding the patentability of the amended independent claim 1 apply as well to the amended independent claims 10, 20 and 29. Accordingly, Applicant respectfully requests the allowance of the independent claims 10, 20 and 29 and their corresponding dependent claims 11, 15-19, 21 and 24.

### **CONCLUSION**

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant

respectfully requests that the Examiner withdraw all objections and rejections and issue a Notice of Allowance for pending claims 1, 5-11, 15-21, 24 and 29.

The Commissioner is hereby authorized to charge any fees for this paper to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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